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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/129,646 08/05/98 GOLDAU R 2565/29

RICHARD L. MAYER  
KENYON & KENYON  
ONE BROADWAY  
NEW YORK NY 10004

IM62/1013

EXAMINER

KIM, S

ART UNIT

PAPER NUMBER

1723

DATE MAILED:

10/13/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/129,646

Applicant(s)  
Goldau

Examiner  
John Kim

Group Art Unit  
1723



☒ Responsive to communication(s) filed on Aug 5, 1998

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-14 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-14 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3-4, 6

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent Application No. 611,228 (hereinafter referred to as EP '228) in view of German Patent No. 4,239,937 (GP '937) and European Patent Application No. 332,330 (hereinafter referred to as EP '330). EP '228 teaches methods and apparatuses for monitoring a vascular access during a dialysis treatment including all the claimed structural elements and the steps (see figure 2; col. 6, line 53 - col. 7, line 40; col. 9, lines 3-12; col. 24, lines 25-47; col. 25, line 55 - col. 26, line 11). EP '228 monitors pressure in the extracorporeal blood circuit to detect a decreased pressure than a predetermined value and deduce that a vascular access is faulty (see figure 2; col. 6, line 53 - col. 7, line 40). At best claims 1-14 differ from EP '228 in reciting the steps and apparatus for monitoring pressure caused by pressure pulses generated in a dialysis fluid path. GP '937 teaches that pressure generated by balancing chambers in the dialysis fluid path of the hemodialysis system is monitored to detect a unstable condition when the pressure signals differ from the usual operating pressure signal (see English abstract). EP '330 teaches that abnormal infusion in a fluid delivery system is detected by detecting unusual pressure wave response (see abstract; col. 2, line 46 - col. 4, line 36). It would have been obvious to a person of ordinary skill in the art to modify the method and apparatus of EP '228 to use pressure generated by balancing chambers in a

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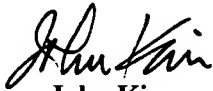
dialysis fluid path and detecting abnormal pressure signals generated in the dialysis fluid path to find the faulty vascular access.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Kim whose telephone number is (703) 308-2350. The examiner can normally be reached on weekdays from 7:00 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker, can be reached on (703) 308-0457. The fax phone number for official response after final action is (703) 305-3599, and the fax phone number for all other official faxes is (703) 305-7718.

When sending a draft amendment by fax, please mark the paper as "DRAFT"; otherwise, mark the paper "OFFICIAL". This will expedite the processing of the paper.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.

  
John Kim  
Primary Examiner  
Art Unit 1723

J. Kim  
October 8, 1999